

Royal Succession Bill

Government Bill

As reported from the Justice and Electoral
Committee

Commentary

Recommendation

The Justice and Electoral Committee has examined the Royal Succession Bill and recommends that it be passed with the amendments shown.

Introduction

The Royal Succession Bill seeks to modernise historic Royal succession rules by making three specific changes to provide for

- gender-neutral succession, allowing the eldest child to succeed to the throne regardless of their sex, so that a younger son would no longer precede an elder daughter in the line of succession
- succession to and possession of the Crown by a person who marries or has married a Roman Catholic, removing the current exclusions
- requiring only the first six in line to the throne to seek the Sovereign's permission to marry (in order to remain in the line of succession to the Crown). Currently all descendants of King

George II require the Sovereign's consent to marry (in order to ensure that their marriage is valid).

The bill has a narrow scope. The changes to Royal succession have been agreed by the 16 Realms of which Her Majesty the Queen is Sovereign. Any substantive changes to the 16 Realms' agreement proposed by New Zealand or any other Realm through their legislative vehicles, would need to be agreed by all of the Realms.

Each Realm is implementing the proposals in a form appropriate to their constitution, while ensuring the substance of the changes is consistent with the approach taken in the United Kingdom. The Realms agreed that the United Kingdom legislation would be drafted first, and introduced once agreed by the Realms. The resulting Succession to the Crown Act 2013 (UK) received Royal Assent on 25 April 2013.

Changes to the United Kingdom succession laws do not automatically apply to New Zealand, so the Royal Succession Bill is necessary.

Commencement

We recommend a minor amendment to the time specified in clauses 3(b) and 5(1) for the gender-neutral succession to take effect from "1 pm on 29 October 2011 (New Zealand daylight time)" to "12 noon on 29 October 2011 (New Zealand daylight time)". This amendment is necessary to take account of British Summer Time.

Appendix

Committee process

The Royal Succession Bill was referred to the committee on 2 July 2013. The closing date for submissions was 23 August 2013. We received seven submissions from interested groups and individuals, and heard four of these. We received advice from the Ministry of Justice.

Committee membership

Scott Simpson (Chairperson)

Paul Foster-Bell

Raymond Huo

Alfred Ngaro

Denis O'Rourke

Katrina Shanks

Hon Maryan Street

Holly Walker

Hon Kate Wilkinson

Dr Kennedy Graham replaced Holly Walker for this item of business.

Royal Succession Bill

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Judith Collins

Royal Succession Bill

Government Bill

Contents

		Page
1	Title	2
2	Commencement	2
Part 1		
Formal and substantive provisions		
<i>Formal provisions</i>		
3	Purpose	2
4	Act binds the Crown	3
<i>Substantive provisions</i>		
5	Precedence of younger brothers over older sisters in relation to succession to the Crown abolished	3
6	Exclusions from succession to and possession of the Crown of people who marry Roman Catholic abolished	3
7	Restoration to succession to and possession of the Crown of certain people who have married Roman Catholic	3
8	Certain people excluded from succession to the Crown on marrying without consent of Sovereign	4
9	Certain marriages of descendants of George II validated	4
Part 2		
Application in New Zealand of Imperial Acts		
10	Application of Bill of Rights 1688	5
11	Application of Act of Settlement 1700	5
12	Application of Royal Marriages Act 1772	5

13	Imperial Laws Application Act 1988 amended	5
----	--	---

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Royal Succession Act **2013**.

2 Commencement

- (1) **Parts 1 and 2** come into force at a time, and on a day, to be appointed by the Governor-General by Order in Council. 5
- (2) One or more orders may be made appointing different times and days for different provisions.
- (3) Before the time and day appointed for a provision by an order under **subsection (1)** (in this Act called the **changeover**), the order may be amended or revoked. 10
- (4) The rest of this Act comes into force on the day after the date on which this Act receives the Royal assent.

Part 1

Formal and substantive provisions

15

Formal provisions

3 Purpose

The purpose of this Act is—

- (a) to implement in New Zealand law changes to the rules of Royal succession approved in principle at a meeting on 28 October 2011, coinciding with the Commonwealth Heads of Government Meeting in Perth, Australia, or agreed through later discussions among the Sovereign's Realms: 20
- (b) to provide for the succession to the Crown to be determined without regard to the sex of people born after ~~1~~ pm 12 noon on 29 October 2011 (New Zealand daylight time): 25
- (c) to abolish the exclusions from the succession to and possession of the Crown of people who marry a person of the Roman Catholic faith: 30

- (d) to provide for the Royal Marriages Act 1772 to cease to be part of the laws of New Zealand, and to enact in its place provisions requiring the consent of the Sovereign in right of the United Kingdom of Great Britain and Northern Ireland to the marriage of any person at a time when the person is one of the 6 people next in the line of succession to the Crown: 5
- (e) to validate (for purposes other than succession to the Crown purposes) certain marriages solemnised without awareness of, and compliance with, the requirements of the Royal Marriages Act 1772. 10

4 Act binds the Crown

This Act binds the Crown.

Substantive provisions

5 Precedence of younger brothers over older sisters in relation to succession to the Crown abolished 15

- (1) In the determination of the succession to the Crown, no regard is to be had to the sex of any person born after ~~1 pm~~ 12 noon on 29 October 2011 (New Zealand daylight time).
- (2) The rule of law by which a younger brother or a descendant of his has, in relation to succession to the Crown, precedence over an older sister or a descendant of hers is abolished to the extent that it conflicts with **subsection (1)**. 20

6 Exclusions from succession to and possession of the Crown of people who marry Roman Catholic abolished 25

No person is excluded from succeeding to or possessing the Crown by virtue only of marrying, after the changeover, a person of the Roman Catholic faith.

7 Restoration to succession to and possession of the Crown of certain people who have married Roman Catholic 30

No person alive immediately before the changeover is excluded from succeeding to or possessing the Crown by virtue only of having married, before the changeover, a person of the Roman Catholic faith.

8 Certain people excluded from succession to the Crown on marrying without consent of Sovereign

- (1) A person who after the changeover proposes to marry, and who immediately before marrying is one of the 6 people next in the line of succession to the Crown, must obtain before marrying the consent to the marriage concerned of the Sovereign in right of the United Kingdom of Great Britain and Northern Ireland. 5
- (2) The effect of a person's failure to comply with **subsection (1)** is that the person and the person's descendants from the marriage concerned are excluded from succeeding to the Crown. 10

9 Certain marriages of descendants of George II validated

- (1) The Royal Marriages Act 1772 must, for all purposes other than purposes relating to succession to the Crown, be treated as never having applied to a marriage (being a marriage that, but for this section, would under that Act be null and void to all intents and purposes whatsoever) if,— 15
- (a) at the time the marriage was solemnised, neither party was one of the 6 people next in the line of succession to the Crown; and
- (b) at the time the marriage was solemnised, the (or each) party descended from His late Majesty King George the Second was unaware, and it was reasonable in all the circumstances for that (or for each such) party not to be aware, that that Act applied to it; and 20
- (c) before the changeover, no person has acted on the basis that the marriage was void. 25
- (2) A party to the marriage is, for the purposes of this section, aware that that Act applied to it if consent under section 1 of that Act to the marriage was sought before it was solemnised (whether or not notice was also given under section 2 of that Act relating to the marriage before it was solemnised). 30
- (3) **Subsection (2)** does not limit **subsection (1)(b)**.

Part 2

Application in New Zealand of Imperial Acts

- 10 Application of Bill of Rights 1688** 5
- The Bill of Rights 1688 (1 Will and Mar Sess 2, c 2) continues to be part of the laws of New Zealand, but as if, on the changeover, it had been amended by deleting from section 1—
- (a) “or by any King or Queene marrying a Papist”; and
 - (b) “or shall marry a Papist”; and
 - (c) “or marrying”. 10
- 11 Application of Act of Settlement 1700**
- The Act of Settlement 1700 (12 and 13 Will 3, c 2) continues to be part of the laws of New Zealand, but as if, on the changeover, it had been amended by—
- (a) deleting from the Preamble “or marry a Papist” and “or marrying”; and 15
 - (b) deleting from section 2 “or shall marry a Papist”.
- 12 Application of Royal Marriages Act 1772**
- (1) On the changeover, the Royal Marriages Act 1772 ceases to be part of the laws of New Zealand. 20
 - (2) Sections 17 to 19 and 21 of the Interpretation Act 1999 apply to the Royal Marriages Act 1772 as if it were an Act of the Parliament of New Zealand and **subsection (1)** had repealed it on the changeover.
- 13 Imperial Laws Application Act 1988 amended** 25
- (1) This section consequentially amends the Imperial Laws Application Act 1988.
 - (2) In Schedule 1,—
 - (a) in the item relating to the Bill of Rights 1688, after “(6 Geo 4, c 50)”, insert “and **section 10** of the Royal Succession Act **2013**”; and 30
 - (b) in the item relating to the Act of Settlement 1700,—
 - (i) after “Preamble”, insert “(as amended by **section 11(a)** of the Royal Succession Act **2013**)”; and 35

Royal Succession Bill

- (ii) after “(10 Edw 7 and 1 Geo 5, c 29)”, insert “(and **section 11(b)** of the Royal Succession Act **2013**)”; and
- (c) repeal the item relating to the Royal Marriages Act 1772.

5

Legislative history

18 February 2013
2 July 2013

Introduction (Bill 99–1)
First reading and referral to Justice and Electoral
Committee
